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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,876

06/14/2005

Roberto Gemello

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11/02/2009

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EXAMINER

YEN, ERIC L

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

11/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,876	Applicant(s) GEMELLO ET AL.	
	Examiner ERIC YEN	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-22 and 25-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 27-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed 7/14/09, applicant has submitted an amendment filed 10/14/09.

Claims 14, 25, and 27, have been amended.

Response to Arguments

While applicant has amended the claims to include a tangible, useful, result as required by the 35 U.S.C. 101 rejection in the Office Action mailed 7/14/09, Office procedure regarding 35 U.S.C. 101 changed in August 2009 to require that computer readable medium claims, where computer readable medium is not defined in the Specification, be given their broadest reasonable interpretation which includes software embodiments (e.g., carrier waves, signals).

Therefore, while the 35 U.S.C 101 rejections of claims 14 and 25 are withdrawn, the rejection of Claim 27 (computer readable medium) is maintained.

Claim 25 pertains to a system recognizing input speech signals which implies that a physical device of some sort exists to receive a person's speech. The distinction between Claim 25 (which has been amended to include a computer readable medium) and Claim 27 is that Claim 27 is directed to the computer-readable medium alone. Applicant recites that Claim 27 is for use in a system implementing a method where the word for does not require the presence of the physical system.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As discussed above, while applicant has addressed the 35 U.S.C. 101 issues of Claim 27 presented in the Office Action mailed 7/14/09, the change in office procedure regarding 35 U.S.C. 101 (8/2009) interprets computer-readable media as including software-only embodiments when the computer readable media are not defined in the Specification.

The Specification's only mention of "computer readable medium" occurs on page 14, lines 11-15, which states "such computer program can be embodied on a computer readable medium", which does not include a definition of what a computer readable medium is. Therefore, the rejection of Claims 27-35 are maintained.

To resolve this issue, an amendment to recite a non-transitory computer readable medium can be made, which a corresponding reference to the portion of the Specification which supports physical computer media. Amendments to the Specification which include adding RAM, ROM, magnetic, optical, etc. may constitute new matter and are preferably avoided in order expedite allowance of the case.

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Passages from which physical non-transitory media can be an inferred embodiment should be sufficient to support the non-transitory amendment.

Allowable Subject Matter

2. Claims 14-22, are 25-26, are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

As per Claims 14, 25, and 27, the prior art of record does not teach skipping runs of the neural network corresponding to all frames between the first and second non-consecutive frames when a distance between a first and second likelihood, where the two likelihoods are obtained by a neural network, is lower than a threshold, and then calculating the frame or frames between the first and second non-consecutive buffered frames.

Therefore, Claims 14, 25, and 27, and their dependent claims contain allowable subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YEN whose telephone number is (571)272-4249. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY 10/31/09

/Eric Yen/

Examiner, Art Unit 2626